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Stanislaus County Pesticide Regulatory Program 2007/2008 Performance Evaluation Report

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Performance Evaluation of the Tulare County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Stanislaus County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year (FY) 2007/08. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium.

I. Summary Report of Core Program Elements

Restricted Materials Permitting

The restricted materials permitting program element met DPR standards and work plan goals.

Compliance Monitoring

The compliance monitoring program element met DPR standards and work plan goals.

Enforcement Response

The enforcement response program element met DPR standards and work plan goals.

Summary Statement:

Although some deficiencies were identified in specific program areas, the Stanislaus CAC's pesticide use program is currently assessed as effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

Permit Issuance

During 2007/08, Stanislaus County issued approximately 1,800 agricultural restricted materials permits and had an additional active 800 multi-year agricultural permits. Stanislaus County also issued approximately 60 non-agricultural use permits during 2007/08.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and that permit amendments follow approved procedures
- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards

Site Evaluation

Stanislaus County reviewed 10,619 notices of intent (NOI) and conducted 683 pre-site evaluations during 2007/08. This is a pre-site evaluation rate of 6.4% of the sites identified on agricultural restricted material permits.

Stanislaus County conducted 12 restricted material use inspections on their non-agricultural permit holders who used restricted materials during 2007/08. This represents approximately 30% of the total non-agricultural permittees who reported the use of a restricted material.

- The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required.
- The program reviews all NOIs in a timely manner and adequately monitored agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

Inspections

Stanislaus CAC conducted 918 agricultural pesticide use monitoring inspections, 109 agricultural record inspections, and 23 structural use and records inspections.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

Investigations

Stanislaus CAC completed 75 investigations during the 2007/08 fiscal year. The investigations were found to be:

- Thorough and complete
- Submitted on approved forms and in the approved format
- Document violations and collect evidence according to DPR standards
- Adequately provide the information necessary to successfully prosecute violations

C) Enforcement Response:

The CAC's enforcement program was found to:

- Initiate the appropriate action when violations are identified;
- Sufficiently support compliance, enforcement and public protection actions;
- Ensure that due process requirements are met when taking an enforcement or permit action or when initiating a private applicator certification or registration refusal/revocation.

The CAC levies fines in the appropriate category, adheres to statutory time frames and follows DPR policies when imposing civil penalties on employees

III. Recommended Corrective Actions

DPR and the Stanislaus CAC have jointly identified the following corrective actions:

Restricted Materials Permitting:

Focus on conducting either a use monitoring inspection or pre-site evaluation of a restricted material use for each non-agricultural permittee who uses a restricted material.

Corrective Actions Previously Identified

Restricted Materials Permitting:

- When issuing permits, the CAC will review site maps with the permit applicant to ensure sensitive sites are address and have the permit applicant submit new site maps when required.

For the 2008 permit season, Stanislaus County requested that their growers bring in new maps when they came to renew their permits. A review of the files found that in addition to the presence of new maps, Stanislaus County dated and initialed showing they were reviewed with the grower for accuracy during the 2008 permit renewal process. This corrective action was successful.

- Conduct an annual inspection on all non-agricultural restricted materials permits.

Of the 43 non-agricultural permit holders who reported use of a restricted material, only 12 were inspected. This corrective action was unsuccessful.

- Track all notice of intents and pre-site application inspections to ensure the required 5% of the pre-site applications are completed.

Stanislaus County conducted pre-site evaluations on 6.4% of the notice of intents submitted. This corrective action was successful.

Inspections:

- Any time a violation(s) is noted on an inspection form and is not corrected by the user at the time of the inspection, a timely follow-up inspection will be conducted.

Stanislaus County utilized an inspection tracking system to ensure that follow-up inspections were conducted in a timely manner. This corrective action was successful.

Investigations:

- The CAC needs to track illness investigations to ensure they are completed within the 120-day requirement.

Stanislaus CAC submitted all illness investigations within 120 days during 2007/08. This corrective action was successful.

- Violations found during an investigation should be documented in the investigative report.

Stanislaus CAC documents violations found during the investigation in the report. This corrective action was successful.

Enforcement Response

- The CAC will utilize and maintain their existing compliance tracking system to ensure follow-up enforcement or compliance action is taken as required by the ERR.

Stanislaus County made a great effort to **reduce/eliminate** a large backlog and to ensure that cases are processed within the statute of limitations timeframe. At the same time, Stanislaus County has kept on top of the new non-compliances being found. Stanislaus County should be totally current within the first half of the 2008/09 fiscal year. This corrective action was successful.

IV. Non-Core and Desirable Activities